

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

Laura E. Banks

Case No.: 16-28989

Judge: Christine M. Gravelle

Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

☒ Original

☒ Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: November 26, 2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 700.00 per month to the Chapter 13 Trustee, starting on November 1, 2016 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: October 2017

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 1284.54 monthly to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Bank of America (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Albert Russo, Standing Chapter 13 Trustee	Administrative	Commission
Gorski & Knowlton	Administrative counsel fees	\$3300.00 plus additional fees per Court Order.
State of NJ; Department of Labor	Unemployment	\$449.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Brandon Farms Property Owners	197 Shrewsbury Court, Pennington; Purchased by		0	\$6,000.00	\$130/ Quarterly
Brandon Farms Condo Assn.	Debtor & deceased Husband in Oct. 95' for \$101,000.00;	\$11,000		\$11,000	\$280.00
Bank of America	Residence	\$25,496.83	0	\$25,496.83	\$1,284.54/Month pending loan mod

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

<p>d. Secured Claims Unaffected by the Plan</p> <p>The following secured claims are unaffected by the Plan:</p>		<p>Consumer Portfolio Services & Santander Consumer USA regular payments on 2010 Toyota RAV 4 & 2011 Hyundai Sonata. Deducted from checking account PNC Bank \$227.95 & \$186.62 bi-weekly outside plan.</p>	
<p>e. Secured Claims to be Paid in Full Through the Plan:</p>			
Creditor	Collateral	Total Amount to be Paid Through the Plan	

Part 5: Unsecured Claims

<p>a. Not separately classified allowed non-priority unsecured claims shall be paid:</p> <p><input type="checkbox"/> Not less than \$ _____ to be distributed <i>pro rata</i></p> <p><input type="checkbox"/> Not less than _____ percent</p> <p><input checked="" type="checkbox"/> <i>Pro Rata</i> distribution from any remaining funds</p>			
<p>b. Separately classified unsecured claims shall be treated as follows:</p>			
Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
Student Loans		Forbearance	Outside Plan

Part 6: Executory Contracts and Unexpired Leases

<p>All executory contracts and unexpired leases are rejected, except the following, which are assumed:</p>		
Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Central Jersey Surgical Group	DJ-285656-05	J	\$8,732.99	\$360	\$22,975	\$220,000	in full
Brandon Farms Property Owners Assn.	DJ-02597-11	J	\$5,428.59	\$360	\$22,975	\$220,000	in full
Bruce Small	DJ-311177-10	J	\$927.49	\$360	\$22,975	\$220,000	in full

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative claims
- 3) Secured claims
- 4) Priority claims and unsecured claims.

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: October 4, 2016.

Explain below **why** the plan is being modified:

1. Part 4D improperly list both vehicles were secured by Santander Consumer USA.
2. Bank of America Loan Modification listed in Part 4B and in Part 1C.

Explain below **how** the plan is being modified:

1. Part 4D revised to reflect Consumer Portfolio Services has lien on 2010 Toyota RAV 4 and Santander Consumer USA has lien on 2011 Hyundai Sonata both loans still current and still paid post-petition outside plan.
2. Bank of America treatment in Part 4B moved to 4A per Trustee request at 341 First Meeting of Creditors.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 11/14/2016

/s/ Allen I. Gorski
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 11/5/2016

/s/ Laura E. Banks
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Laura E. Banks
 Debtor

Case No. 16-28989-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 21

Date Rcvd: Nov 28, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 30, 2016.

db +Laura E. Banks, 197 Shrewsbury Court, Pennington, NJ 08534-5418
 lm +Bank of America/Everbank, 7105 Corporate Drive, PTX B-209, Plano, Tx 75024-4100
 516429940 Bank of America, PO Box 15222, Wilmington, DE 19886-5222
 516429939 +Bank of America, c/o KML Law Group, P.C., 216 Haddon Avenue, Ste. 406,
 Westmont, NJ 08108-2812
 516429941 +Brandon Farms Property OwnerAssoc., Inc., c/o Stark & Stark, PO Box 5315,
 Princeton, NJ 08543-5315
 516429942 +Brandon Farms Property Owners, c/o RCP Management Company, 10 Centre Drive,
 Monroe Township, NJ 08831-1564
 516429943 +Bruce Small, c/o Anthony J. Apicelli, Jr., Esquire, 2121 State Highway 33,
 Trenton, NJ 08690-1740
 516429944 Bureau Of Account Mana, Bureau Of Account, Camp Hill, PA 17011
 516429945 +Central Jersey Surgical Group, 40 Fuld St # 403, Trenton, NJ 08638-5247
 516429946 +Consumer Portfolio Svc, Attn:Bankruptcy, 19500 Jamboree Rd, Irvine, CA 92612-2401
 516429949 +First Service Residential, PO Box 11980, Newark, NJ 07101-4955
 516429951 +Mohela/dept Of Ed, 633 Spirit Dr, Chesterfield, MO 63005-1243
 516429952 #+Payliance, Attention: Disputes, 3 Easton Oval Suite 210, Columbus, OH 43219-6011
 516429953 +Santander Consumer USA, Po Box 961245, Fort Worth, TX 76161-0244
 516478426 +Santander Consumer USA, POB 1245, Fort Worth, TX 76101
 516466521 +Santander Consumer USA Inc., P.O. Box 560284, Dallas, TX 75356-0284
 516429954 State of New Jersey, Department of Labor, PO Box 951, Trenton, NJ 08625-0951

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 28 2016 21:25:09 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 28 2016 21:25:09 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235

516452603 E-mail/Text: bankruptcy@consumerportfolio.com Nov 28 2016 21:25:12
 CONSUMER PORTFOLIO SERVICES, INC., PO BOX 57071, IRVINE, CA 92619 - 7071
 516429950 +E-mail/Text: collections@greentrustcash.com Nov 28 2016 21:25:18 Green Trust Cash,
 PO Box 340, Hays, MT 59527-0340

TOTAL: 4

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516429948* +Economic Advantage Corporation, 8 Haven Avenue; Suite 224, Port Washington, NY 11050-3636
 516429947 ##+Economic Advantage, 8 Haven Avenue; Suite 224, Port Washington, NY 11050-3636

TOTALS: 0, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 30, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 21

Date Rcvd: Nov 28, 2016

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 26, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Allen I Gorski on behalf of Debtor Laura E. Banks agorski@gorskiknowlton.com
Denise E. Carlon on behalf of Creditor EVERBANK dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com

TOTAL: 4